

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BRENDAN JAMAL HOLT	)	
	)	
Petitioner,	)	
	)	
v.	)	1:18-CR-102
	)	1:21-CV-980
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER AND JUDGMENT**


The Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and the Clerk served the Recommendation on the petitioner. No objections were filed, though the petitioner has since filed a corrected motion to vacate on the proper forms. *See* 18-CR-102 at Doc. 41. The Court hereby adopts the Magistrate Judge's Recommendation as to the initial petition.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the motion at Doc. 38 is **DENIED** and the related civil action, 21-CV-980, is filed and dismissed *sua sponte*, all without prejudice to the petitioner's motion at Doc. 41 or other appropriately filed petition which corrects the defects cited in the Magistrate Judge's Recommendation.

The § 2255 motion at Doc. 41 remains pending.

A certificate of appealability shall not issue.

This the 3rd day of February, 2022.

  
UNITED STATES DISTRICT JUDGE